GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Universities – Uniform designation of Librarians, Deputy Librarians, Assistant Librarians and Documentation Officers working in all the Universities - Rescinding the orders – Orders – Issued.

HIGHER EDUCATION (U.E) DEPARTMENT

G.O.MS.No. 27 Dated: 12-05-2021.

Read the following:

1. G.O.Ms.No.35, Higher Education (U.E) Department, Dated:16.6.2003.
2. From the Registrar, Acharya Nagarjuna University, Memorandum No..ANU/Esst.TS/Adv.Ret.notice/Prof.K.V.R/2019, Dated:29.3.2019.
3. From the Registrar, Aacharya Nagarjuna University, Memorandum No.ANU/Esst.TS/Adv Ret. Notice ./Ms.GSCB/2019, Dated:7.2.2019.
4. From the Honble High Court in its common orders dated:14.2.2020 in W.P.Nos.3082,4818,15161, 20948 of 2019 and 1977 of 2020 filed by Sri K.Venkata Rao and Sri. Gajula Sarat Chandra Babu, Working in Acharya Nagarjuna University, Guntur.
5. Orders of the Hon'ble High Court in Writ Appeal Nos.381, 382, 411, 424 of 2020 and 30, 35 & 46 of 2021.

ORDER.

In the G.O. 1st read above, the Government has issued orders for designating the post of University Library professionals who are drawing UGC scales i.e University Librarian, Deputy Librarian, Assistant Librarian and documentation Officer to that of professor in Library & Information Science, Associate Professor in Library & Information in Science and Assistant Professor in Library & information Science respectively subject to the condition that there is no financial commitment on the part of Govt and also with the following conditions.

(a) Assistant Librarians working in the Universities possess the same qualifications like the librarians earlier working in Government Degree Colleges and later designated as lectures in library science vide G.O.Ms.95.

(b) The Assistant Librarians have the duties separately indentified and as and when necessary they may be asked to teach class and they are not regular teaching staff of the Department of Library and information sciences.

(c) The Assistant Librarians are non-vacation academic staff charged with the responsibility of offering academic services to various departments in the Universities.

(P.T.O)

2. In the reference 2nd & 3rd read above, the Registrar, Acharya Nagarjuna University has issued proceedings for superannuating Sri K.Venkata Rao, working as Librarian in Acharyanagarjuna University on 31.7.2019 and Sri Gajula Sarat Chandra Babu, working as Documentation Officer in Acharyanagarjuna University on 31.5.2019 respectively.

3. Aggrieved by the proceedings issued by the Registrar, Acharya Nagarjuna University, in the reference 2nd and 3rd read above, Sri K.Venkata Rao and Sri Gajula Sarat Chandra Babu, have filed W.P.Nos.4818, 15161 & 20948 of 2019 and W.P Nos.3082 of 2019 & 1977 of 2020 respectively to set aside the proceedings issued by the Registrar, Aacharya Nagarjuna University in the references 2nd & 3rd read above for superannuating them at the age 60 years and prayed for the Hon'ble Court to continue them into service up-to 62 years on par with the teaching staff as per the orders issued in G.O.Ms.No.59, Higher Education (U.E) Department Dated:24.12.2014 as they were designated their cadres in the G.O 1st read above.

4. In the reference 4th read above, the Hon'ble High Court of A.P passed the following orders in its common orders dated:14.2.2020 in W.P.Nos.3082,4818,15161, 20948 of 2019 and 1977 of 2020 filed by Sri K.Venkata Rao and Sri Gajula Sarat Chandra Babu.

> " --- Accordingly, Writ Petition Nos.4818, 15161 and 20948 of 2019 field by Sri K. Venkata Rao are allowed and the proceedings dated: 23.03.2019, 19.09.2019, and 12.12.2019 respectively issued by respondent –University are set aside. Similarly Writ Petition Nos. 3082 of 2019 and 1977 of 2020 filed by Sri.Gajula Sarat Chandra Babu are also allowed and proceedings dated:7.2.219 and 19.12.2019 issued by the respondent University are set aside . The petitioners are also entitled to all consequential benefits etc. that flow from this order. No orders as to cost ".

5. In this regard, the Higher Education Dept and Registrar of ANU have filed the Writ Appeals Nos.381, 382, 411, 424 of 2020 & 30, 35, and 46 of 2021 against the common orders of the Hon'ble High Court in W.P.Nos.3082,4818,15161, 20948 of 2019 and 1977 of 2020. The Hon'ble High Court in it orders dated:1.4.2021 has passed the following orders.

> " ----- 39. G.O.Ms.No.35, Dated:16.6.2003 while re-designating the post of Asst Librarians who were drawing the UGC scales , made it explicitly clear that Asst Librarians are not regular teaching staff of the Dept of Library and Information science. It is relevant to note that K.Venkatarao was holding the post of Asst Librarian when the aforesaid G.O.Ms.No.35, dated: 16.06.2003 was issued. It was also indicated therein that as and when necessary, they may be asked to take classes but Asst Librarians belong to non-vacation academic staff charged with the responsibility of

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offering academic services to various departments in the Universities. It is seen from Ordinance No.4 of the University that the duties of the Librarian do not envisage any kind of teaching.

40. G.O.Ms.No.59, Dated:24.12.2014 used the expression "regular university teachers" and the petitioners were not regularly appointed as Teachers of the University within the meaning of section 2(23) of Act. It will be necessary to examine whether because of introduction of M.L.I.Sc.2 years integrated course in Library science petitioners having taken classes as asserted by them, they can be treated at par with regular university teachers.

41. In the counter affidavit filed by respondents 1 and 3 in W.P.No.20948 of 2019 (Appellants herein) a reference to which as also made in the judgement of the Learned Single Judge, it is stated that there was no regular teaching dept of library and information science and only self financed dept of library and information science was started from the academic year 2017-18. It is further stated that the petitioner had worked as guest faculty outside the duties as librarian instead of regular faculty in the self financed dept of library and information science during the 2017-18, 2018-19 and part of 2019-20 and had drawn additional salary for working as Guest Faculty. It is also stated that the petitioner continued in the University service on the strength of interim orders as per the orders of the VC dated:13.09.2019. At paragraph 20 of the counter affidavit, it is stated as follows:

> " I respectfully submit that after having examined all this material facts, the respondents university has retired the petitioner from the University service on 19.12.2019. Further, without the sanction of the finance Dept, Govt of A.P, the implementation of the orders would result in financial irregularity".

42. The learned single judge though noted that the counsel for the University argued on the basis of the counter affidavit filed in W.P.No.20948 of 2019, did not take into consideration the fact that the petitioner K.Venkata rao was working as guest faculty. When the petitioner K.Venkata Rao was working as guest faculty it cannot be said that he has to be treated as teacher of the University or a regular University teacher. It is to be remembered that that G.O.Ms.No.59, Dated:24.12.2014, age of superannuation was enhanced to 62 years only respect of regular University teachers.

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43. In that view of the matter, we are unable to concur with the reasoning assigned by the learned single judge for holding that the petitioners should be treated as teachers of the University, and that they are to be superannuated at the age of 62 years. Accordingly, the impugned judgement is set aside.

44. Before parting with the records, we would like dwell upon another aspect, which cannot be brushed aside. Despite the interim orders passed by the court allowing the petitioners to continue in service, in grass violation of such interim orders, they have been retired during the subsistence of interim order. The action of the University is condemnable and such action is antithesis to rule of Law. The appellants have taken Law into their own hands and such action is not expected, least of all from an academic institution. This court cannot remain a mute spectator to such flagrant violation of orders of the Court. In the facts and circumstances of the case, as the petitioners were directed to be continued in service by the interim orders, direct the appellants to pay salary and emoluments to the WPs from the date when such pay and emoluments were stopped till the date of this judgement within a period of two month from today.

45. Resultantly, the Writ Appeals are allowed with theafore said directions. No order as to costs.

6. Govt after careful examination of matter, decided to rescind the orders issued in G.O.Ms.No.35, Higher Education (U.E) Dept, Dated:16.6.2003 designating the post of University Library professionals who are drawing UGC scales i.e University Librarian, Deputy Librarian, Assistant Librarian and Documentation Officer to that of professor in Library and Information Science, Associate Professor in Library and Information in Science and Assistant Professor in Library and information Science respectively in view of the orders of the Hon'ble High Court in the reference 5th read above to avoid further legal complications in the matter

7. The Secretary, Andhra Pradesh State Council of Higher Education and Registrars of the State Universities under the administrative control of Higher Education Department shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SATISH CHANDRA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Secretary, Andhra Pradesh State Council of Higher Education, Mangalagiri.
All the Registrars of the State Universities.
Copy to:
Addl.P.S to M (Education).

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PS to Spl.Chief Secretary to Govt., Higher Education Department.
The Finance Department.
Sf/Sc.

//FORWARDED:: BY ORDER//

SECTION OFFICER